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**Statement of Penny Nance,  
CEO & President of Concerned Women for America (CWA)  
to be delivered at the United States Supreme Court  
on the day of oral arguments for  
*R.G. & G.R. Harris Funeral Homes v. EEOC*  
October 8, 2019**

Friends, thank you for coming out to stand up for women and girls.

I am Penny Nance the CEO and President of Concerned Women for America, the largest public policy organization for women in the country. I represent hundreds of thousands of women across the U.S. who are standing with you today to warn the Court of the disastrous implications of redefining the word “sex” in law. To remind the justices that women and young girls will be the ones to pay the price of their imprudence, should they choose to engage in judicial activism in this case.

And that is the issue we are facing. Will a majority of the justices violate the separation of powers by rewriting Title VII to enact their preferred policy choices by judicial decree? Will they punish a business for not implementing policies that did not exist prior to this case? It would be an historic act of hubris and a great injustice for them to do just that. One that will have enormous detrimental consequences for women.

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Women like Selina Soule, Alexis Lightcap, and Beth Stelzer, whom you've heard from today, and millions more like them, who just want protected spaces and a level playing field where they can compete.

Such a monumental shift in policy would impact our laws in many areas. We are already seeing cases from women's athletics, to women's shelters and prisons, health care, and women's safety and privacy. I would add that vulnerable women, those who are incarcerated or women in shelters, will be disproportionately impacted and have the most to lose.

To arbitrarily change the word "sex" to include gender identity is regressive, not progressive. It would greatly undermine the women's movement and the women who dedicated their lives to seeing the advancements we enjoy today.

We gather here today out of compassion and the belief that being a woman is unique and valuable. Our human experience cannot be replicated by clothing or even surgery. Being a woman is a beautiful, biological, and spiritual reality that transcends human will. Our dignity and safety demands that the courts reject the notion that sex is superfluous.

I have the privilege to serve as a member of the Women's Suffrage Centennial Commission where we are working hard to commemorate 100 years of the women's right to vote. It is worth noting that the word "sex" is part of the 19<sup>th</sup> Amendment to the U.S. Constitution. For more than 100 years, we have known what the word "sex" means.

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Finally, we have examples throughout time and from all over the world in which women have suffered because they have not been given the respect and honor due their sex. We are here to stand up for women and young girls. We are here to say, “sex means sex.”